

REMARKS/ARGUMENTS

In the Office Action dated September 24, 2010 (hereinafter, "Office Action"), claims 1, 13, 15 and 18 were rejected under 35 U.S.C. § 112, first paragraph. Claims 1-3, 5-6 and 8-20 were rejected under 35 U.S.C. § 102(b). Claims 4 and 7 were rejected under 35 U.S.C. § 103(a). By this paper, claims 1, 13, 15 and 18 are being amended.

Applicant respectfully responds to the Office Action.

I. Claims 1, 13, 15 and 18 Rejected Under 35 U.S.C. § 112, First Paragraph

Claims 1, 13, 15 and 18 stand rejected under 35 U.S.C. § 112, first paragraph. The Office Action indicated that the phrase "without identifying a desired file" was not supported by the specification. (See Office Action, page 3.) By this paper, this phrase has been removed from the claims. Accordingly, Applicant respectfully requests that the rejection of claims 1, 13, 15 and 18 under 35 U.S.C. § 112, first paragraph be withdrawn.

II. Claims 1-3, 5-6 and 8-20 Rejected Under 35 U.S.C. § 102(b)

Claims 1-3, 5-6 and 8-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,647,402 to McBrearty et al. (hereinafter, "McBrearty"). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Independent claim 1 has been amended to recite "preventing access to the at least one sensitive file ... by performing an access prevention task ..., wherein the at least one sensitive file

continues to be stored on the computing device but the at least one sensitive file cannot be accessed when access is being prevented.” Support for this claim subject matter is found in paragraph [0050] of the filed specification. As explained in paragraph [0050], if the access prevention task is performed (such as, for example, the file is “locked”), then “no one has access to the sensitive files 110 including the user of the computing device 102.” (Specification, paragraph [0050].)

Applicant submits that McBrearty does not disclose “preventing access to the at least one sensitive file ... by performing an access prevention task ..., wherein the at least one sensitive file continues to be stored on the computing device but the at least one sensitive file cannot be accessed when access is being prevented,” because in McBrearty’s system, the owner of the file can still access the file after an unauthorized connection has been detected and McBrearty does not teach that all parties (e.g., even the owner of the file) are prevented from accessing the file when an access prevention task is being performed. McBrearty discloses “a system, method and program for protecting data files from being stolen or compromised.” (McBrearty, col. 2, lines 46-48.) Specifically, “[w]hen a user requests a file ... a determination is made ... as to whether the user is authenticated, i.e. his ID matches the ID of [an] authorized user,” and “[i]f Yes, the user is granted access to the requested file” and “[i]f No, then the user is refused access to the file.” (McBrearty, col. 5, lines 58-63.) If there are repeated failures at authorization for the specific file, the system determines that there is a potential intruder trying to access the file. (See McBrearty, col. 4, lines 35-43.) Other ways for determining that a hacker is trying to access the file may also be used. (See McBrearty, col. 6, lines 4-8.) After this potential intrusion is determined, the “target file is renamed” with a name that does not give “information about the contents of the file,” and the “whole file is then moved ... to another hidden or covert directory.” (McBrearty, col. 6, lines 10-17.)

In this manner, the hacker attacking the files is still continuing to look for the original file which has been renamed, hidden in a different directory and, thus, protected. The owner of the original file [e.g., the file whose location has changed] must, of course, be notified of the change.

McBrearty, col. 4, lines 49-53 (bracketed text added).

The purpose of notifying the owner of the file is so that the owner can access the file in its new location, e.g., the owner of the file knows where the file has been moved to so that he or she can continue to access the file. (See id.) This teaching is different from the claim subject matter of claim 1 which indicates that “the at least one sensitive file cannot be accessed when access is being prevented.” In Applicant’s system, no one (including the owner of the file) has access to the sensitive file when access is being prevented. Having the owner of the file know the location of the file so that s/he can indeed access the file, as taught by McBrearty, does not disclose that access to the file is prevented. The purpose of Applicant’s system is to have the file be “locked” or access to the file be prevented to all potential persons, which is not possible in McBrearty’s disclosure. As such, McBrearty does not disclose “preventing access to the at least one sensitive file ... by performing an access prevention task ..., wherein the at least one sensitive file continues to be stored on the computing device but the at least one sensitive file cannot be accessed when access is being prevented,” as recited by amended claim 1.

For at least the foregoing reasons, Applicant respectfully submits that amended claim 1 is allowable. Claims 2-3, 5-6 and 8-12 depend from claim 1, and are therefore allowable for at least the same reasons as claim 1.

Claim 13 recites that a security agent is configured to “prevent access to the at least one sensitive file ... by performing an access prevention task ..., wherein the at least one sensitive file continues to be stored on the computing device but the at least one sensitive file cannot be accessed when access is being prevented.” As discussed above, McBrearty does not disclose this claimed subject matter. Accordingly, Applicant respectfully submits that amended claim 13 is allowable. Claim 14 depends from claim 13, and is therefore allowable for at least the same reasons as claim 13.

Claim 15 recites “instructions ... executable to ... prevent access to the at least one sensitive file ... by performing an access prevention task ..., wherein the at least one sensitive file continues to be stored on the computing device but the at least one sensitive file cannot be accessed when access is being prevented.” As discussed above, McBrearty does not disclose this claimed subject matter. Accordingly, Applicant respectfully submits that amended claim 15 is allowable. Claims 16 and 17 depend from claim 15, and are therefore allowable for at least the same reasons as claim 15.

Claim 18 recites “instructions... executable to ... prevent access to the at least one sensitive file ... by performing an access prevention task ..., wherein the at least one sensitive file continues to be stored on the computing device but the at least one sensitive file cannot be accessed when access is being prevented.” As discussed above, McBrearty does not disclose this claimed subject matter. Accordingly, Applicant respectfully submits that amended claim 18 is allowable. Claims 19 and 20 depend from claim 18, and are therefore allowable for at least the same reasons as claim 18.

III. Claim 4 Rejected Under 35 U.S.C. § 103(a)

Claim 4 stands rejected under 35 U.S.C. § 103(a) based on McBrearty and further in view of U.S. Patent Application Publication No. 2003/0056095 to Elliott et al. (hereinafter, “Elliott”). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int’l Co. v. Teleflex Inc., 550 U.S. 398, 406 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, “obviousness requires a suggestion of all limitations in a claim.” In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)).

Claim 4 depends from claim 1. As discussed above, Applicant respectfully submits that claim 1 is allowable. Accordingly, Applicant respectfully submits that claim 4 is allowable for at least the same reasons as presented above in connection with claim 1.

IV. Claim 7 Rejected Under 35 U.S.C. § 103(a)

Claim 7 stands rejected under 35 U.S.C. § 103(a) based on McBrearty and further in view of U.S. Patent No. 5,265,159 to Kung (hereinafter, “Kung”). Applicant respectfully requests reconsideration in view of the above claim amendments and the following remarks.

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The standard to establish a *prima facie* case of obviousness is provided above.

Claim 7 depends from claim 1. As discussed above, Applicant respectfully submits that claim 1 is allowable. Accordingly, Applicant respectfully submits that claim 7 is allowable for at least the same reasons as presented above in connection with claim 1.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that all pending claims in the present application are in a condition for allowance, which is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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